

UNITED STATES DISTRICT COURT FOR
THE DISTRICT OF MASSACHUSETTS

LAUREN VARALLO,

Plaintiff,

v.

TOWN OF NANTUCKET - POLICE
DEPARTMENT and JAMES SAMSON,

Defendants.

CIVIL ACTION
NO: 05-11547-RWZ

JOINT STATEMENT

Pursuant to the Court's Notice of Scheduling Conference and Rule 16.1(D) of the Local Rules of the United States District Court for the District of Massachusetts, counsel for the above named parties have conferred and state as follows:

I. BRIEF DESCRIPTION In this civil rights action, plaintiff Lauren Varallo alleges that, as a patient subject to temporary protective services at Nantucket Cottage Hospital, she was sexually assaulted by Officer James Samson of the Nantucket Police Department. Defendant Samson was later discharged and eventually pled guilty to indecent assault and battery. Among other things, plaintiff alleges that the defendant Department was negligent and violated her civil rights with respect to the assignment, hiring, retention and supervision of Samson. The Department denies such allegations and asserts that Samson's conduct constituted superceding, intervening conduct that caused plaintiff's harm.

II. PROPOSED PRETRIAL SCHEDULE

A. Phased Discovery Plan: The parties propose the following pre-trial schedule:

1. Phase 1 - Factual Discovery:

- (a) Automatic document disclosure to be completed on or before **January 10, 2006**;
- (b) Written discovery requests are to be served by **April 1, 2006**, and answers / responses are to be filed within the time provided by the rules;
- (c) All depositions are to be completed by **August 15, 2006**, except for expert witnesses;

2. Phase 2 - Expert Discovery:

- (a) The plaintiffs' expert witnesses shall be designated by **September 15, 2006**;

- (b) The defendants' expert witnesses shall be designated by **October 15, 2006**;
- (c) designation of experts shall include provision of any information required by the Federal Rules of Civil Procedure and/or the Local Rules of the District of Massachusetts;
- (d) any expert depositions shall be completed by **December 31, 2006**;

B. Motion and Final Pre-trial Schedule:

- 1. The plaintiff shall name other parties, if any, by **May 15, 2006**;
- 2. All dispositive motions are to be filed by **January 15, 2007**, and responses are to be filed thereafter pursuant to Local Rule 7.1;

III. CERTIFICATIONS, ADR and MAGISTRATE JUDGE ASSIGNMENT

Certifications regarding each parties' consultation with counsel regarding budgets and alternative dispute resolution will be filed separately. The parties are amenable to considering participating in the Court's ADR program at or before the conclusion of factual discovery. At this point, the parties do not desire re-assignment to Magistrate Judge, but are willing to reconsider that decision as the Court's recommendation at a later point in the litigation.

Plaintiff, LAUREN VARALLO,
By her attorneys,

/s/ Bradley M. Henry

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Defendant TOWN OF NANTUCKET,
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Defendant, JAMES SAMSON,
By his attorney,

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